

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ALICIA MARSHALL, *et al.*, individually
and on behalf of all others similarly situated,

Plaintiffs,

v.

PRESTAMOS CDFI, LLC,

Defendant.

Civil Action No. 5:21-cv-04337-JMG

PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

Plaintiffs¹ Alicia Marshall, Paris Townsend, Kristina Henderson, Jamie Jones, John Martin, Gregory Lloyd, Alyshia Johnson, Lametria Marvel, Jahbrael Horne and Sharon Bradley Smith (collectively, "Plaintiffs"), respectfully submit this motion seeking to certify the following class pursuant to Rules 23(a) and (b)(3) of the Federal Rules of Civil Procedure and the Court's Amended Scheduling Order (ECF No. 123 at ¶ 1(d)) (the "Damages Class"):

Damages Class: all persons and entities in California, Michigan, Arizona, Utah, Texas, Indiana, Mississippi and New York (collectively, the "Class Member States") who, in 2021, applied for PPP loans with defendant Prestamos as the lender for whom the SBA provided a SBA loan number, and who executed and submitted their Loan Documents and provided to Prestamos all required loan documentation, but as to whom Prestamos both failed to disburse the PPP loan proceeds and reported to the SBA that the loan proceeds were disbursed.

In addition, Plaintiffs also seek to certify the following class pursuant to Rules 23(a) and (b)(2) of the Federal Rules of Civil Procedure (the "Declaratory Judgment Class"):

Declaratory Judgment Class: all persons and entities in the Class Member States who, in 2021, applied for PPP loans with defendant Prestamos as the lender for whom the SBA provided a SBA loan number, and who executed and submitted their Loan Documents

¹ Unless otherwise noted, all capitalized terms have the meaning set forth in the Table of Abbreviations in Plaintiffs' brief in support of class certification filed herewith.

and provided to Prestamos all required loan documentation, but as to whom Prestamos both failed to disburse the PPP loan proceeds and reported to the SBA that the loan proceeds were disbursed.

Excluded from the Classes are defendant Prestamos and its corporate parent CPLC; any of their affiliates and entities in which they have a controlling interest; any of their agents and employees; any Judge to whom this action is assigned; and any member of such Judge's staff and immediate family.

In support of this motion, Plaintiffs are simultaneously filing and incorporate herein their accompanying brief, Plaintiffs' Appendix in Support of Class Certification and the documents and exhibits attached to Plaintiffs' Appendix which include:

- Ex. 1 -- the Loan Document Contract Between Prestamos and Plaintiff Marshall
- Ex. 2 -- the Loan Document Contract Between Prestamos and Plaintiff Townsend
- Ex. 3 -- the Loan Document Contract Between Prestamos and Plaintiff Henderson
- Ex. 4 -- the Loan Document Contract Between Prestamos and Plaintiff Jones
- Ex. 5 -- the Loan Document Contract Between Prestamos and Plaintiff Martin
- Ex. 6 -- the Loan Document Contract Between Prestamos and Plaintiff Lloyd
- Ex. 7 -- the Loan Document Contract Between Prestamos and Plaintiff Johnson
- Ex. 8 -- the Loan Document Contract Between Prestamos and Plaintiff Marvel
- Ex. 9 -- the Loan Document Contract Between Prestamos and Plaintiff Horne
- Ex. 10 -- the Loan Document Contract Between Prestamos and Plaintiff Smith
- Ex. 11 -- the Report of William M. Manger, Jr. ("Manger") dated July 12, 2024
- Ex. 12 -- the Report on Damages Methodology Professor Steven P. Feinstein, Ph.D., CFA ("Feinstein") dated July 12, 2024
- Ex. 13 -- the Report of William Briggs ("Briggs") dated July 12, 2024

Ex. 14 -- the Rebuttal Report of Manger dated Aug. 9, 2024

Ex. 15 -- the Rebuttal Report of Feinstein dated Aug. 9, 2024

Ex. 16 -- the Rebuttal Report of Briggs dated Aug. 9, 2024

Ex. 17 -- Plaintiffs' Proposed Trial Plan

Ex. 18 -- Joint Declaration of Plaintiffs in Support of Plaintiffs' Motion for Class

Certification

Ex. 19 -- Excerpts From Phase I Deposition Testimony

Ex. 20 -- Declaration of Lawrence J. Lederer in Support of Plaintiffs' Motion for Class

Certification

Ex. 21 -- Declaration of Justin Heller in Support of Plaintiffs' Motion for Class

Certification

Ex. 22 -- law firm resume of Bailey & Glasser, LLP

Ex. 23 -- law firm resume of Nolan Heller Kauffman LLP

Ex. 24 -- Chart Identifying the Elements of Plaintiffs' Contract Claims in Pennsylvania

(the forum state) and the Class Member States

Ex. 25 -- SBA Form 1502 instructions and 1502 reports Prestamos submitted to the SBA concerning Plaintiffs' PPP loans

Ex. 26 -- PAR forms Prestamos submitted to obtain advances from the PPPLF to fund Plaintiffs' loans

Ex. 27 -- Spreadsheets Produced by Prestamos Identifying Class Members

Ex. 28 -- SBA PPP Loan Forgiveness Application Form 3508-S

Ex. 29 -- SBA Forgiveness Platform Lender Submission Metrics

Ex. 30 -- Prestamos' Second Interrogatories to Plaintiffs.

Dated: September 6, 2024

Respectfully submitted,

Bailey & Glasser LLP

By: /s/ Lawrence J. Lederer

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Attorneys for Plaintiffs and the Proposed Classes

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of September, 2024, the foregoing was electronically filed and served through the Court's CM/ECF system to counsel of record.

/s/ Lawrence J. Lederer

Lawrence J. Lederer